

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : :

v. : CRIMINAL NO. 3:CR-20-108

TYSHEEN GOTTE, : (JUDGE MANNION)

Defendant : :

**ORDER**

Based on the court's Memorandum issued this same day, **IT IS**  
**HEREBY ORDERED THAT:** Defendant Gott's objections to the PSR are  
**SUSTAINED**, (Doc. 686), and Gott's motions to dismiss the information of  
his prior conviction pursuant to 21 U.S.C. §851(a) for sentencing  
enhancement, (Docs. 694 & 697), are **GRANTED**. The Court finds that Gott's  
prior New York state drug conviction is not a prior drug felony that subjects  
him to enhanced penalties under 21 U.S.C. §841(b)(1)(A), and that this  
conviction cannot be used to impose a 15-year mandatory minimum  
sentence with respect to Count 1. Gott's *pro se* request for an evidentiary  
hearing, (Doc. 708), is **DENIED**.

The probation office is directed to prepare an Amended Pre Sentence  
Investigation Report in light of the court's memorandum and this order. The  
Amended PSR shall recalculate the statutory and guideline ranges, as

appropriate, in accordance with the above. The court will reschedule sentencing in this case by separate order.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**DATE: January 23, 2023**

20-108-09-Order